IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.306 OF 2006

IN

NOTICE OF MOTION NO.  OF 2006

IN

L.C.SUIT NO.246 OF 2006

WITH

CIVIL APPLICATION NO.391 OF 2006

Mr.Ashok Chhajed ...Appellant

Versus

Praful Jairam Panwala & Ors. ...Respondents

.....

Mr.Chaurasia i/b Mr.A.M.Saraogi for Appellant.

Mr.Vinay Hegade for Respondents 1 to 4.

Mrs.Geeta Joglekar for Respondent No.5.

.....

**CORAM: A.M.KHANWILKAR, J.**

**JUNE 19, 2006.**

**P.C.**

1. As it is not in dispute that the Notice of Motion has now been made returnable on 28th June 2006, I see no propriety in entertaining this Appeal which is against order passed in the said

Notice of Motion.

2. Accordingly, this Appeal is disposed of with direction to the Trial Court to ensure that the Notice of Motion proceeds for final hearing on the specified date i.e. 28th June 2006. In any case, to be finally disposed of on or before 15th July 2006. All questions in the Notice of Motion are left open, to be decided on its own merits in accordance with law.

3. The above observation is made on the basis of the assurance given by the Counsel for the parties that they shall extend necessary cooperation to the Trial Court for early disposal of the Notice of Motion including completing the pleadings on or before 26th June 2006, so that, no adjournment is sought on 28th June 2006.

4. Appeal and the accompanying Civil Application disposed of on the above terms.

5. All concerned to act on an ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.